

111TH CONGRESS
1ST SESSION

S. 1472

To establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2009

Mr. DURBIN (for himself and Mr. COBURN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a section within the Criminal Division of the Department of Justice to enforce human rights laws, to make technical and conforming amendments to criminal and immigration laws pertaining to human rights violations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Human Rights En-
5 forcement Act of 2009”.

1 **SEC. 2. SECTION TO ENFORCE HUMAN RIGHTS LAWS.**

2 (a) REPEAL.—Section 103(h) of the Immigration and
3 Nationality Act (8 U.S.C. 1103(h)) is repealed.

4 (b) SECTION TO ENFORCE HUMAN RIGHTS LAWS.—
5 Chapter 31 of title 28, United States Code, is amended
6 by inserting after section 509A the following:

7 **“§ 509B. Section to enforce human rights laws**

8 “(a) Not later than 90 days after the date of the en-
9 actment of the Human Rights Enforcement Act of 2009,
10 the Attorney General shall establish a section to enforce
11 human rights laws within the Criminal Division of the De-
12 partment of Justice.

13 “(b) The section is authorized to—

14 “(1) identify individuals who are suspected of
15 committing serious human rights offenses under
16 Federal law;

17 “(2) take appropriate legal action, including
18 prosecution, denaturalization or extradition, against
19 the individuals identified pursuant to paragraph (1);
20 and

21 “(3) coordinate any such legal action with the
22 United States Attorney for the relevant jurisdiction.

23 “(c) The Attorney General shall consult with the Sec-
24 retary of Homeland Security and the Secretary of State
25 in making determinations regarding the prosecution, re-
26 moval, denaturalization, extradition, or exclusion of natu-

1 realized citizens or aliens who are suspected of committing
 2 serious human rights offenses under Federal law.

3 “(d) In determining the appropriate legal action to
 4 take against individuals who are suspected of committing
 5 serious human rights offenses under Federal law, the sec-
 6 tion shall take into consideration the availability of crimi-
 7 nal prosecution under the laws of the United States for
 8 such offenses or in a foreign jurisdiction that is prepared
 9 to undertake a prosecution for the conduct that forms the
 10 basis for such offenses.

11 “(e) The term ‘serious human rights offenses under
 12 Federal law’ includes—

13 “(1) violations of Federal criminal laws relating
 14 to genocide, torture, war crimes, and the use or re-
 15 cruitment of child soldiers under sections 1091,
 16 2340, 2340A, 2441, and 2442 of title 18, United
 17 States Code; and

18 “(2) genocide, torture, extrajudicial killings,
 19 Nazi persecution, or the use or recruitment of child
 20 soldiers, as described in subparagraphs (E) and (G)
 21 of section 212(a)(3) of the Immigration and Nation-
 22 ality Act (8 U.S.C. 1182(a)(3)).”.

23 (c) CLERICAL AMENDMENT.—The table of sections
 24 at the beginning of chapter 31 of the title 28, United

1 States Code, is amended by inserting after the item relat-
 2 ing to section 509A the following:

“Sec. 509B. Section to enforce human rights laws.”.

3 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

4 (a) GENOCIDE.—Section 1091 of title 18, United
 5 States Code, is amended—

6 (1) in subsection (a)—

7 (A) by striking “, in a circumstance de-
 8 scribed in subsection (d)”;

9 (B) by striking “or attempts to do so,”;

10 (2) in subsection (c), by striking “in a cir-
 11 cumstance described in subsection (d)”;

12 (3) by striking subsection (d) and (e); and

13 (4) by inserting after subsection (c) the fol-
 14 lowing:

15 “(d) ATTEMPT AND CONSPIRACY.—Any person who
 16 attempts or conspires to commit an offense under this sec-
 17 tion shall be punished in the same manner as a person
 18 who completes the offense.

19 “(e) JURISDICTION.—There is jurisdiction over the
 20 offenses described in subsections (a), (c), and (d) if—

21 “(1) the offense is committed in whole or in
 22 part within the United States; or

23 “(2) regardless of where the offense is com-
 24 mitted, the alleged offender is—

1 “(A) a national of the United States (as
2 that term is defined in section 101 of the Immi-
3 gration and Nationality Act (8 U.S.C. 1101));

4 “(B) an alien lawfully admitted for perma-
5 nent residence in the United States (as that
6 term is defined in section 101 of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1101));

8 “(C) a stateless person whose habitual res-
9 idence is in the United States; or

10 “(D) present in the United States.

11 “(f) NONAPPLICABILITY OF CERTAIN LIMITA-
12 TIONS.—Notwithstanding section 3282, in the case of an
13 offense under this section, an indictment may be found,
14 or information instituted, at any time without limitation.”.

15 (b) IMMIGRATION AND NATIONALITY ACT.—Section
16 212(a)(3)(E)(ii) of the Immigration and Nationality Act
17 (8 U.S.C. 1182(a)(3)(E)(ii)) is amended by striking “or-
18 dered, incited, assisted, or otherwise participated in con-
19 duct outside the United States that would, if committed
20 in the United States or by a United States national, be
21 genocide, as defined in section 1091(a)” and inserting
22 “has engaged in genocide in violation of section 1091”.

23 (c) APPLICABILITY.—The amendments made by sub-
24 sections (b), (c), and (d) of the Child Soldiers Account-
25 ability Act of 2008 (Public Law 110–340) shall apply to

1 offenses committed before, on, or after the date of the en-
2 actment of the Child Soldiers Accountability Act of 2008.

3 (d) MATERIAL SUPPORT FOR GENOCIDE OR CHILD
4 SOLDIER RECRUITMENT.—Section 2339A(a) of title 18,
5 United States Code, is amended by—

6 (1) inserting “, 1091” after “956”; and

7 (2) striking “, or 2340A” and inserting “,
8 2340A, or 2442”.

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